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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **IMAN GIRGIS,**

) Case No.

12 Plaintiff,

)

) **COMPLAINT**

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14 vs.

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)

15 **ALLIANCEONE RECEIVABLES) JURY TRIAL DEMANDED**
16 **MANAGEMENT, INC.,**)

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)

17 Defendant.

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18 **I. NATURE OF ACTION**

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20 1. This is an action for damages brought by an individual consumer for
21 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
22 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
23 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
24 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
25 privacy by intrusion, ancillary to Defendant's collection efforts.
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28 Complaint - 1

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Iman Girgis, is a natural person residing in the State of Washington, County of King, and City of Olympia.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, AllianceOne Receivables Management, Inc. (“Defendant”) was a limited liability company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. § 1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- 1 a) Communicating with Plaintiff by calling Plaintiff's work
 2 telephone after it was known or should have been known that
 3 such calls were inconvenient to Plaintiff (§ 1692c(a)(1)(3));
 4 b) Failure to notify Plaintiff of her rights pursuant to 15 USC §
 5 1692g in the initial conversation or in writing within 5 days
 6 thereof (§ 1692g)).

7 9. Defendant's aforementioned activities, set out in paragraph 8, also
 8 constitute an intentional intrusion into Plaintiff's private places and into private
 9 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
 10 person. With respect to the setting that was the target of Defendant's intrusions,
 11 Plaintiff had a subjective expectation of privacy that was objectively reasonable
 12 under the circumstances.

13 10. As a result of Defendant's behavior, detailed above, Plaintiff
 14 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
 15 embarrassment, mental anguish and emotional distress.

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 19 **COUNT I: VIOLATION OF FAIR DEBT**
 20 **COLLECTION PRACTICES ACT**

21 11. Plaintiff reincorporates by reference all of the preceding paragraphs.

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 23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 25 against the Defendant for the following:

26
 27 A. Declaratory judgment that Defendant's conduct

violated the FDCPA;

B. Actual damages;

C. Statutory damages;

D. Costs and reasonable attorney's fees; and,

E. For such other and further relief as may be just and proper.

COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY

ACT, WHICH IS A *PER SE* VIOLATION OF THE WASHINGTON

CONSUMER PROTECTION ACT

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

B. Actual damages;

C. Discretionary Treble Damages;

D. Costs and reasonable attorney's fees,

F. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

13. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- 1 A. Actual damages
2 B. Punitive Damages; and,
3 C. For such other and further relief as may be just and proper.
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6 Respectfully submitted this 20th day of May, 2008.
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10 s/Jon N. Robbins
11 Jon N. Robbins
12 WEISBERG & MEYERS, LLC
13 Attorney for Plaintiff
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